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11 *Representing the United States*

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 JOSE CARRILLO-GARCIA,
18 Defendant.

Case No. 2:20-CR-00007-GMN-DJA

**Stipulation To Continue Change of
Plea Hearing and to Set a Sentencing
Hearing**
(First Request)

19 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
20 Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States
21 Attorney, counsel for the United States of America, and Rene L. Valladares, Federal
22 Public Defender, and Brandon Jaroch, Assistant Federal Public Defender, counsel for
23 JOSE CARRILLO-GARCIA , (“Carrillo”), that the change of plea hearing in the
24 abovementioned case, which is currently scheduled for April 15, 2020, be continued and
25 the change of plea and sentencing hearings be held at the same time on a date and time
26 convenient to the Court, but not later than calendar call on July 7, 2020, for the following
reasons:

1 1. The parties have reached a plea agreement in which Carrillo plans to plead
2 guilty to the one count Indictment (ECF No. 1). The Court has scheduled a change of plea
3 hearing for April 15, 2020 (ECF No. 21).

4 2. In light of the COVID-19 pandemic, the Centers for Disease Control and
5 Prevention's recommendations,¹ and the District Court's Temporary General Orders,² the
6 parties seek to continue the April 15, 2020, change of plea hearing and to schedule a
7 hearing for the change of plea and sentencing at the same time on a date and time
8 convenient to the Court, but not later than calendar call on July 7, 2020, in order to
9 promote efficiency and to allow time for planning a hearing that complies with the CDC's
10 recommendations and the District Court's Temporary General Orders.

11 3. The defendant is incarcerated and does not object to the continuance.

12 4. The parties agree to the continuance.

13 5. The additional time requested herein is not sought for purposes of delay,
14 but merely to allow the parties sufficient time within which adequately prepare for the
15 change of plea and sentencing hearings. Additionally, denial of this request for
16 continuance could result in a miscarriage of justice, and the ends of justice served by
17 granting this request, outweigh the best interest of the public and the defendant in a
18 speedy hearing.

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25 ¹[https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-
26 response.html](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html)

² See Temporary General Orders 2020-03 and 2020-05.

1 6. This is the first stipulation to continue the hearing.

2 DATED this 8th day of April, 2020.

3 RENE L. VALLADARES
4 Federal Public Defender

 NICHOLAS A. TRUTANICH
 United States Attorney

5 */s/ Brandon Jaroch*
6 By _____
7 BRANDON JAROCH
 Assistant Federal Public Defender

/s/ Kimberly M. Frayn
 By _____
 KIMBERLY M. FRAYN
 Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4

5 Plaintiff,

6 v.

7 JOSE CARRILLO-GARCIA,
8

9 Defendant.

Case No. 2:20-CR-00007-GMN-DJA

**Findings Of Fact, Conclusions Of Law
And Order**

10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore,
12 the Court finds that:

13 1. The parties have reached a plea agreement in which Carrillo plans to plead
14 guilty to the one count Indictment (ECF No. 1). The Court has scheduled a change of plea
15 hearing for April 15, 2020 (ECF No. 21).
16

17 2. In light of the COVID-19 pandemic, the Centers for Disease Control and
18 Prevention's recommendations, and the District Court's Temporary General Orders, the
19 parties seek to continue the April 15, 2020, change of plea hearing and to schedule a
20 hearing for the change of plea and sentencing at the same time on a date and time
21 convenient to the Court, but not later than calendar call on July 7, 2020, in order to
22 promote efficiency and to allow time for planning a hearing that complies with the CDC's
23 recommendations and the District Court's Temporary General Orders.

24 3. The defendant is incarcerated and does not object to the continuance.

25 4. The parties agree to the continuance.
26

1 5. The additional time requested herein is not sought for purposes of delay,
2 but merely to allow the parties sufficient time within which adequately prepare for the
3 change of plea and sentencing hearings. Additionally, denial of this request for
4 continuance could result in a miscarriage of justice, and the ends of justice served by
5 granting this request, outweigh the best interest of the public and the defendant in a
6 speedy hearing.

7 6. This is the first stipulation to continue the hearing.

8 **ORDER**

9 THEREFORE, IT IS HEREBY ORDERED that the change of plea hearing in
10 the above-captioned matter, currently scheduled for April 15, 2020, be vacated and
11 continued, and the change of plea and sentencing hearings will be held together on
12 Wednesday, July 1, 2020, at the hour of 10:30 a.m. in Courtroom 7D.
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15 DATED this 8 day of April 2020.

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18 HONORABLE GLORIA M. NAVARRO
19 United States District Court Judge
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